



8-7-06

TFW 2623

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/639,912
	Filing Date	August 16, 2000
	First Named Inventor	Greg A. Bengueult et al.
	Art Unit	2623
	Examiner Name	Annan Q. Shang
Total Number of Pages in This Submission	Attorney Docket Number	7784-000129

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Declaration Under 37 CFR 1.131 signed by Ronald S. Carson, Declaration Under 37 CFR 1.131 signed by Robert P. Higgins, Declaration Under 37 CFR 1.131 signed by Michael G. Lynch and Exhibits A-C, and Return Receipt Postcard</b>
<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Mark D. Elchuk	Reg. No.	33,686
Signature					
Date	August 4, 2006				

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature		Date	August 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 855 009 638 US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT**

Application No.: 09/639,912  
Filing Date: August 16, 2000  
Applicant: Benguelt et al  
Group Art Unit: 2614  
Examiner: Shang, Annan  
Title: Method And Apparatus For Bi-Directional Data  
Services And Live Television Programming To Mobile  
Platforms  
Attorney Docket: 7784-000129

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Declaration under 37 C.F.R. § 1.131

I hereby declare under penalty of perjury as follows:

That I am a co-inventor of the subject matter of U.S. patent application Serial No. 09/639,912, filed August 16, 2000 (the "'912 application").

That the subject matter of the '912 application was conceived prior to May 26, 1998, the filing date of U.S. Patent No. 6,807,538 B1 to Weinberger et al (hereafter the "Weinberger et al patent").

That diligence was exercised from just prior to May 26, 1998 to the constructive reduction to practice of the subject matter of the '912 application, that date being November 5, 1998, which is the "Date Built" on page 1 of the previously submitted Invention Disclosure document.

That the subject matter of the '912 application has never been abandoned, suppressed or concealed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 the United States Code, and that such willful false statement may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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Greg A. Benguelt

Date

\_\_\_\_\_  
Jeffrey P. Harrang Date

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William R. Richards Date

\_\_\_\_\_  
Michael G. Lynch Date

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Michael de La Chapelle Date

\_\_\_\_\_  
Paulus J. Martens Date

Ronald S. Carson 31 July 2006  
\_\_\_\_\_  
Ronald S. Carson Date

\_\_\_\_\_  
Daniel F. Miller Date

\_\_\_\_\_  
Geoffrey White Date

\_\_\_\_\_  
George Fitzsimmons Date

\_\_\_\_\_  
Russell Berkheimer Date

\_\_\_\_\_  
Robert P. Higgins Date

\_\_\_\_\_

Arthur F. Morrison

Date